

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2546 of 2017

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Subodh Thakur, Son of Late Domi Thakur, Resident of Village- Amari
Kukroun, P.S.- Dhamdaha, Distt- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Government of Bihar, New Secretariat, Patna.
2. The Regional Deputy Director Education, Purnea.
3. The Director Secondary Education, Patna.
4. The District Education Officer, Purnea.
5. The Principal M.M.R.D. High School, Amari, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr. Smt. Shilpa Singh- Ga12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 05-12-2017 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Counsel for the petitioner submits that the petitioner
is continuing for nearly a decade in the school in question and as
such by way of this writ application he seeks a direction to the
respondents to consider his case for regularization.

Regularization is not a mode of appointment as held
out by the Constitution Bench of the Hon'ble Apex Court in the
case reported in **2016 (4) SCC 1 (Secretary, State of Karnataka)**
Vs. Uma Devi. The Apex Court in the aforesaid judgment has
already held out that no court can issue any direction for



regularization and as such this court cannot issue any direction for regularization of the petitioner.

Mr. Ajit Kumar Singh appearing on behalf of the petitioner submits that the respondents have now taken steps for regular appointment. Referring Annexure-4, he submits that the petitioner has worked more than ten years and as such his case required sympathetic consideration.

Considering the law laid down by the Apex Court in the case (supra) and other reported judgments, this court cannot issue any positive direction for either regularization of the petitioner or for granting any weightage for the period he has worked in the school in question. However, the petitioner has worked in the school in question for nearly a decade and therefore, at the time of selection, the respondents may consider the desirability of age relaxation as one time exercise, if the petitioner is otherwise eligible for selection on the post of 'Peon'.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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